IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION No.1744 of 2006.
IN
SUIT No.2294 of 1983.

Empire Industries Ltd. .... Plaintiff.

Versus.

The Assistant Assessor &
Collector & Ors. .... Defendants.

Mr.M. L. Palan with Gaurang R. Mehta,
Advocate for the Plaintiff.

Mr.H. C. Pimple i/b M. V. Shetty & Ors,Advocate
for Defendants.

CORAM :SMT. NISHITA MHATRE J.

DATE :07/06/2006.

P.C.

1. This Notice of Motion has been filed to restore the suit filed by the plaintiff which was dismissed for default on 8th July, 2005. The plaintiff has explained the reason for his absence on 8th July, 2005. It is stated in the affidavit of the plaintiff that in view of the dismissal of the suit, the defendants are threatening to enforce their demand for water charges. The plaintiff, pursuant to the interim relief granted on 24.1.1984, deposited Rs.1 lakh. The plaintiff submits that it has a good case on merits in the suit and therefore the suit be restored. According to the plaintiff its officer who was

briefing the advocate engaged by it, did not inform the management that the advocate had retired from active practice. The suit therefore was unattended.

2] In view of the averments contained in the affidavit in support of the Motion the suit is restored subject to payment of costs of Rs. 5,000/- to the defendants within two weeks.

3] Interim orders passed earlier shall continue till disposal of the suit.

(SMT.NISHITA MHATRE.J.)